

Attorney Docket No. DOGO.P011

## REMARKS

5 Claims 1-43 are pending in the application. Claims 1, 5-8, 18, 19, 35, 36, and 43 are rejected. Claims 2-4, 9-17, 20-34, and 37-42 are objected to. Claims 1-4, 7-11, 13, 18, 26, 31, 33-35, 37, 42, and 43 have been amended herein, and no new material is added by these amendments. Claims 32 and 41 are canceled herein without prejudice.

### Notice of Non-Compliant Amendment

10 In response to the Notice of Non-Compliant Amendment mailed December 20, 2005, Applicants have further amended claims 33 and 42 herein to correct the non-compliant condition of the original submission of this response on September 29, 2005. Applicants respectfully submit that the Corrected Amendments herein are in compliance with 37 CFR 1.121.

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### Claim Rejections under 35 U.S.C. §112

Claims 1-43 are rejected under 35 USC § 112, second paragraph, as being indefinite. Claims 1-4, 7-11, 13, 18, 26, 31, 33-35, 37, 42, and 43 are amended herein to particularly point out and distinctly claim the subject matter of the invention. Applicants  
20 therefore respectfully request removal of this rejection in view of the amendments herein.

### Rejections under 35 U.S.C. §102

Claims 1, 5-8, 18, 19, and 43 were rejected under 35 U.S.C. § 102(b) as being anticipated by Miron (United States Patent number 6,401,239), hereinafter "Miron".  
25 Applicants respectfully submit that the claims, as amended, are patentably distinct from Miron.

Regarding amended claims 1, 8, and 43, Miron does not disclose a device for generating a difference file, the device including at least one component configured for

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identifying differences between an original version and a new version of an electronic file corresponding to address shifts resulting from at least one of code line deletion, code line addition, and code line modification, removing the identified differences in text sections common to the original version and the new version by modifying target addresses of  
5 instructions of the original version using at least one relationship between addresses of text sections of the original version and corresponding text sections of the new version, generating a modified version of the original version that includes the instructions having modified target addresses, and generating the difference file using the new version and the modified version of the original version. For these reasons, Applicants respectfully  
10 submit that claims 1, 8, and 43, as amended, are not anticipated by Miron.

As claims 5-6 depend from claim 1 and include further limitations thereon, and amended claim 1 is not anticipated by Miron, Applicants submit that claims 5-6 are not anticipated by Miron.

Regarding claim 7, as amended, Miron does not disclose an apparatus for use in  
15 generating a difference file, the apparatus comprising means for receiving an original version and a new version of an electronic file, means for identifying units of code that are common to the original version and the new version, means for identifying instructions that are common to the units of code, wherein the instructions include instruction values that direct processing to another portion of the corresponding file,  
20 means for generating a first instruction value from a first instruction of the original version, means for generating a second instruction value from a second instruction of the new version, wherein the second instruction corresponds to the first instruction, means for replacing the first instruction value of the first instruction with the second instruction value, means for generating a modified version of the original version comprising the  
25 first instruction with the second instruction value, and means for generating the difference file using the new version and the modified version of the original version. For these reasons, Applicants respectfully submit that claim 7, as amended, is not anticipated by Miron.

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Regarding amended claim 18, Miron does not disclose a method for performing file differencing, the method comprising receiving an original version and a new version of an electronic file, identifying units of code that are common to the original version and the new version, identifying instructions that are common to the units of code, wherein  
5 the instructions include instruction values that relate to another portion of the corresponding file, decoding a first instruction value from a first instruction of the original version, generating a second instruction value from a second instruction of the new version, wherein the second instruction corresponds to the first instruction, replacing the first instruction value of the first instruction with the second instruction value,  
10 generating a modified version of the original version comprising the first instruction with the second instruction value, and performing file differencing between the new version and the modified version of the original version and generating a difference file. For these reasons, Applicants respectfully submit that claim 18, as amended, is not anticipated by Miron.

15 As claim 19 depends from claim 18 and includes further limitations thereon, and amended claim 18 is not anticipated by Miron, Applicants submit that claim 19 is not anticipated by Miron.

#### Rejections under 35 U.S.C. §103

20 Claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miron. Applicants respectfully submit that claims 35 and 36 would not have been obvious in view of Miron.

Regarding amended claim 35, Miron does not teach, disclose, or suggest a method for determining differences between electronic files, the method comprising receiving an  
25 original version and a new version of an electronic file, identifying first and second function units that are common between the original version and the new version, wherein the first function unit in the original version includes a first calculable instruction and the second function unit in the new version includes a second calculable instruction, identifying third and fourth function units that are common between the original version

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and the new version, wherein the third function unit in the original version includes a first target address that corresponds to the first calculable instruction, wherein the fourth function unit in the new version includes a second target address that corresponds to the second calculable instruction, generating a second instruction value from the second calculable instruction, replacing a first instruction value of the first calculable instruction with the second instruction value, generating a modified version of the original version comprising the first instruction with the second instruction value, and generating a difference file using the new version and the modified version of the original version, the difference file including the differences. Thus, claim 35 would not have been obvious to one of ordinary skill in view of Miron.

As claim 36 depends from amended claim 35 and includes further limitations thereon, and claim 35 as amended would not have been obvious in view of Miron, Applicants submit that claim 36 would not have been obvious to one of ordinary skill in view of Miron.

#### Conclusion

In view of the foregoing Remarks, Applicants respectfully submit that the rejections under 35 U.S.C. §102, §103, and §112 have been overcome, and their withdrawal is respectfully requested. Applicants submit that claims 1-31, 33-40, 42, and 43 are in condition for allowance. The allowance of the claims is earnestly requested. If in the opinion of Examiner Robinson a telephone conference would expedite the prosecution of the subject application, or if there are any issues that remain to be resolved prior to allowance of the claims, Examiner Robinson is encouraged to call Rick Gregory at (408) 342-1900.

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**Petition for Extension of Time**

A Petition for Extension of Time Under 37 CFR §1.136(a) for a two month extension of time was enclosed with the original submission of this response on September 29, 2005. Applicants submit that no further extension of time is required.

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**Authorization to Charge Deposit Account**

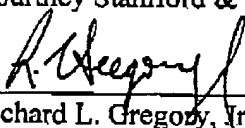
Please charge deposit account 503616 for any fees due and not paid herewith in connection with this Office Action response.

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Respectfully submitted,  
Courtney Staniford & Gregory LLP

Date: January 19, 2006

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